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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,905	08/26/2003	Kiyoshi Nishimura	SANKY P-239 / 500615.2020	5748
26418	7590	11/12/2004	EXAMINER	MULLINS, BURTON S
REED SMITH, LLP			ART UNIT	PAPER NUMBER
ATTN: PATENT RECORDS DEPARTMENT				2834
599 LEXINGTON AVENUE, 29TH FLOOR				
NEW YORK, NY 10022-7650				

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,905	NISHIMURA ET AL. <i>AN</i>	
	Examiner	Art Unit	
	Burton S. Mullins	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 October 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 5 and 6 is/are allowed.

6) Claim(s) 1-3 is/are rejected.

7) Claim(s) 4 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US 5,925,963). Yang (Fig.3) teaches a motor comprising a casing 10 of magnetic material for housing a rotor (Fig.8) and stator coil (inherent, around poles 101 in Fig.1) wherein facing side surfaces of the casing have openings 103 (Fig.1); magnetic plates 120 closing the openings; the magnetic plates thinner than the thickness of the material of the casing (Fig.3); the part of said magnetic plates facing the side surfaces (e.g., the central portion, or the side portions having fastener holes) being flat (Fig.3). See also the embodiment in Figs.59-60 wherein flat plates 117 abut against flat side surfaces of the casing.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang. While Yang does not disclose that the magnetic plates are made of permalloy magnetic material, per se, this would have been obvious to one of ordinary skill since it has been held to be within the general skill of a worker in the art to select a known material such as permalloy on the basis of its suitability for the intended use of a magnetic plate as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Arguments

5. Applicant's arguments filed 18 October 2004 have been fully considered but they are not persuasive. Applicant argues that the limitation now in claim 1 of "the part of said magnetic plates facing the side surfaces being flat" is not taught by Yang. To the contrary, the examiner points out that several portions of the plate 120 which "face the side surface" of the casing are flat, including both the side portions of each plate which have fastener holes and the central portion of the plate, as clearly seen in Fig.3. The observation that Yang's plates 120 make his motor more "bulky" is irrelevant since this feature is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Allowable Subject Matter

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest magnetic plates provided with an extended portion and a spring for transmitting a force in the motor axial direction wherein the extended portion extends from a side surface of the casing and is bent along the bottom until it reaches the end of the shaft of the rotor, the spring being made by cutting and raising a part of the extended portion.

7. Claims 5-6 are allowed. Claim 5 incorporates the indicated allowable subject matter of claim 4.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BURTON S. MULLINS
PRIMARY EXAMINER